

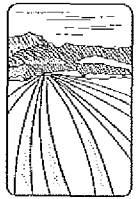


Oregon

Kate Brown, Governor


Department of Agriculture

635 Capitol St NE
Salem, OR 97301-2532



Memorandum

To: Koto Kishida, Oregon Department of Environmental Quality
Alan Henning, US Environmental Protection Agency

From: Michael Powers, Oregon Department of Agriculture 

RE: Documents Requested on Oregon's Agricultural Water Quality
Management Program activities in areas under the Coastal Zone Act
Reauthorization Amendments of 1990 (CZARA)

Date: March 30, 2015

Per the US Environmental Protection Agency's (EPA) request for information related to Oregon's Agricultural Water Quality Management Program (AWQM) Program, we have compiled the requested documents. The documents include:

- Oregon Department of Environmental Quality (DEQ) biennial review comments to Oregon Department of Agriculture (ODA) on Agricultural Water Quality Management Area (AWQMA) Plans in the Oregon Coastal Zone between 2012 and 2015.
- Reports from AWQMA Plan Local Advisory Committees (LACs) in the Oregon Coastal Zone to the Board of Agriculture (BOA) and the ODA Director for the years 2004 to 2015.

You will also find these additional documents:

- Oregon's Submittal for the Remaining CZARA Additional Management Measures dated March 20, 2014. This document details the additions and improvements Oregon has made to the AWQM Program since the EPA and National Oceanic and Atmospheric Administration (NOAA) granted interim approval for meeting the CZARA Section 6217(g) agriculture management measures and conditions in 2004.
- Strategic Implementation Initiative Overview.
- Focus Areas: Concentrating Resources, Measuring Progress.
- Oregon State Board of Agriculture Resolution: Agricultural Water Quality Management Program Strategic Implementation. March 2013.

Please note that the LAC reports to the BOA and the ODA Director have taken different forms over the years. ODA has worked with the LACs to provide a more concise summary of accomplishments and actions, making more detailed information available upon request by members of the BOA.



Also note that ODA did not formally maintain DEQ comments on AWQMA Plans and regulations until after the ODA-DEQ Memorandum of Agreement (MOA) was signed in May 2012. DEQ may have records of their comments prior to 2012.

It is important to remember that Oregon's AWQM Program is part of a larger effort by multiple local, state, federal, and nongovernmental organizations to assist landowners with conservation activities that address water quality, wildlife habitat, and long-term viability of environmental conditions. This partnership provides a coordinated suite of approaches for education, technical assistance, funding, planning, and enforcement, to achieve Oregon's water quality and Endangered Species Act goals and to implement CZARA.

Oregon's Partnership Approach for Agricultural Water Quality

Oregon's partnership approach begins with ODA's close, formal association with the nine SWCDs in the Oregon Coastal Zone. These SWCDs serve as the Local Management Agencies (LMAs) to implement the five AWQMA Plans on the ground and provide much of the outreach as well as technical and financial assistance to producers.

The partnership approach expands to include DEQ. ODA and DEQ updated our MOA in May 2012. This MOA outlines how the two agencies will consult to implement Total Maximum Daily Loads, review water quality standards, and review and implement AWQMA Plans and regulations. It also specifies that AWQMA Plans should include measureable objectives, milestones, and timelines to plan for, measure, and communicate progress and effectiveness.

Oregon brings together many other partners in addition to SWCDs and DEQ, such as the Oregon Watershed Enhancement Board (OWEB) and associated Watershed Councils, Oregon Department of Fish and Wildlife, Tillamook Estuary Partnership, Oregon State University Extension Service, Meyer Memorial Trust, Bonneville Environmental Foundation, The Freshwater Trust, USDA Natural Resources Conservation Service (NRCS), USDA Farm Services Agency (FSA), and other stakeholders. All of these partners provide one or more aspects of the technical and financial assistance, project planning, and management measure implementation.

Over the last 15 years, the Oregon Legislature, OWEB, and agricultural landowners have contributed nearly \$30 million for technical assistance, education and outreach, and project implementation in the Oregon Coastal Zone. These State investments funded projects that resulted in restoration totaling nearly 1,000 linear stream miles, and investments in the multiple upland activities treated over 2,700 upland acres.

Federal investments in the coastal zone counties from 1995-2012 topped \$20 million under the Conservation Reserve Program (CRP) and Environmental Quality

coastal counties with payments to those counties of \$1.3 million. More recent 2013 county data available for the Conservation Reserve Enhancement Program (CREP) reports \$4.2 million invested in coastal counties with 3,009 acres enrolled.

Oregon's approach further includes efforts encompassed by the Conservation Effectiveness Partnership (CEP), the Pesticide Stewardship Partnership (PSP), and the Enterprise Monitoring collaboration.

The CEP is a coordinated effort among Oregon's state and federal agricultural and conservation agencies: ODA, DEQ, OWEB, and NRCS. The CEP evaluates the effectiveness of conservation and restoration activities, and helps with strategic implementation of programs and resources.

The PSP is a formal collaboration of ODA, DEQ, Oregon Department of Forestry, and Oregon Department of Human Services. The PSP works with producer partners to monitor for pesticides in surface water, evaluate the data, and implement changes on the ground. Oregon's PSP is a nationally recognized model.

Enterprise Monitoring is part of Oregon's 10-Year Plan to lower the number of streams with declining water quality by 2022. Statewide the Oregon legislature appropriated nearly \$5 million for monitoring water quality and watershed health. Based on Enterprise Monitoring data, the first project prioritized by the CEP was the Wilson River basin restoration project located near Tillamook along the North Coast. The Wilson River effort, a combination of many basin projects by multiple partners, led to dramatic improvements in water quality over the past ten years.

ODA has partnered with the State's 45 SWCDs to implement 45 Focus Areas around the state. Focus Areas concentrate limited resources and measure effectiveness in smaller geographic areas where change may be measured faster. Focus Areas are considered an effective way to prioritize staff and funding to improve water quality. ODA currently works with nine SWCDs in the Oregon Coastal Zone who are each implementing a Focus Area. See the attached summary information about Oregon's Focus Areas.

Compliance

At the completion of the AWQMA Plans and associated regulations in 2001, ODA compliance efforts relied on complaints received from the public and other local, state, and federal agencies. Later in 2009, ODA began to self-initiate some compliance cases.

In 2012, ODA initiated a test run of two Strategic Implementation Areas (SIAs). An SIA represents a systematic approach to assess water quality conditions associated with agricultural lands and to strategically focus resources and compliance actions to improve conditions where needed. ODA uses a pre-assessment to identify potential compliance problems and then prioritizes them. ODA then contacts landowners in a broad outreach effort and coordinates with the local SWCD to

provide technical and financial assistance to get projects done on the ground and achieve a greater rate of compliance. After this initial stage of assessment, education and outreach, and offers of assistance, ODA determines if on-going agricultural activities violate local AWQMA regulations and then requires those actions that will achieve compliance.

Please see the attached summary of the SIA effort. ODA will soon expand the number of SIAs in Oregon from the initial two with an additional six to 12 over the next biennium.

Oregon's agricultural regulatory efforts in the Coastal Zone also include the Confined Animal Feeding Operation (CAFO) Program. The CAFO Program administers and monitors Oregon's CAFO National Pollutant Discharge Elimination System (NPDES) General Permits, jointly with DEQ, to all Grade A dairies. These permits address all CZARA Section 6217(g) management measures and alternative grazing measures. Oregon's CAFO Program is robust and regulates all CAFO operations that have wastewater management systems. More operations are covered under the State's NPDES CAFO Program than what would occur under an EPA-administered program. All animal feeding operations in Oregon are subject to statutory prohibitions on discharges of animal wastes that pollute waters of the state.

Measurable Objectives

ODA is currently working with LACs and SWCDs to update all AWQMA Plans to have a common organization, or table of contents, and to incorporate Measureable Objectives. Measurable Objectives are specific, measureable/numeric, achievable, relevant, and time-bound/long-term. They define a desired future condition. Measurable Objectives include short-term milestones that are measurable/numeric. Together the milestones define the path to be taken and the timeline needed to attain the Measurable Objective.

ODA is working with the Coos-Coquille, Curry, and Umpqua AWQMA LACs to incorporate Measurable Objectives into their Plans. We will soon begin work with LACs and SWCDs on the Mid Coast and North Coast AWQMA Plans.

Contact Information

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